

REMARKS

Claims 101-105, 107-112, 116-120 and 123 are pending in this application. Claims 116-120 have been withdrawn by the Examiner. By this Amendment, claims 105, 107 and 110 are amended. No new matter is added.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Lin during the March 13, 2008 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

I. Specification And Declaration

The Office Action indicates that the Substitute Specification filed June 14, 2007 has not been entered, and, as discussed below, rejects claims 105 and 107-115 under 35 U.S.C. §112, first paragraph, alleging that there is no support for adding the term "wettability." The Office Action asserts that the terms "lyophilicity" and "wettability" have different definitions and are thus not interchangeable.

In the enclosed Declaration, Translator Hisako Ito attests that the Japanese term, translated as "lyophilicity" in the specification, is properly translated as "affinity to liquid". Thus, further to the enclosed Declaration, this Amendment amends the specification and claims to change "lyophilicity" to "affinity to liquid".

Entry of the amendments in view of the Declaration is requested.

II. Claim Objection

The Office Action objects to claims 105, 107 and 110 because of informalities.

Regarding claim 105, the Office Action objects to the term "the first electrode" and "predetermined position" in line 13 as lacking antecedent basis. By this Amendment, these terms are changed to "the first electrodes" and "predetermined positions."

Regarding claim 107, the Office Action objects to "the first electrode" in line 3 as lacking antecedent basis. By this Amendment, this term is changed from "the first electrode" to "the first electrodes."

Regarding claim 110, the Office Action objects to "a predetermined position" in lines 6 and 7 and suggests amending this term to "predetermined positions." By this Amendment, this term is changed as suggested by the Office Action.

Applicants request withdrawal of the objection.

III. The Claims Comply With The Written Description Requirement

The Office Action rejects claims 105 and 107-115 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. By this Amendment, the term "wettability" in the claims is amended to "affinity to liquid". As discussed above, these amendments are supported by the priority document as evidenced by the enclosed Declaration.

Applicants request withdrawal of the rejection.

IV. The Claims Are Patentable Over The Applied References

A. Rejections Under 35 U.S.C. §103(a) Over Roitman As Primary Reference

The Office Action (1) rejects claims 101-104 and 123 under 35 U.S.C. §103(a) over U.S. Patent No. 5,972,419 to Roitman in view of U.S. Patent No. 5,874,200 to Ra et al. (Ra); (2) rejects claims 105 and 107-111 under 35 U.S.C. §103(a) over Roitman in view of Japanese Patent Publication No. 07-153574 to Kaneko, and further in view of U.S. Patent No. 5,705,302 to Ohno et al. (Ohno); and (3) rejects claim 112 under 35 U.S.C. §103(a) over Roitman in view of Kaneko and Ohno, and further in view of Ra. Applicants respectfully traverse the rejections.

By this Amendment, pursuant to an Declaration attesting that the Japanese term that was previously translated as "lyophilicity" is properly translated as "affinity to liquid", the

term "lyophilicity" is changed to "affinity to liquid". In light of the Declaration, the amendments should be entered and the claims as amended are supported and must be accorded the priority date claimed for this application.

Roitman issued on October 26, 1999, after the September 18, 1997 International filing date of this application, and was filed in the U.S. Patent Office on June 13, 1997, after the September 19, 1996 Japanese priority date for this application, acknowledged by the Patent Office. Thus, Roitman does not qualify as prior art against this application under 35 U.S.C. §§102(a), (b), and (e) and the rejections are improper.

Ra issued on February 23, 1999, after the September 18, 1997 International U.S. filing date of this application, and was filed on October 15, 1996, after the September 19, 1996 Japanese priority date for this application. Thus, Ra does not qualify as prior art against this application under 35 U.S.C. §§102(a), (b), and (e) and, further to the above, the rejections are improper.

For the foregoing reasons, Applicants request withdrawal of the rejections.

B. Rejections Under The Doctrine Of Non-Statutory Obviousness-Type Double Patenting Over Claims 1-3 And 7 Of Yudasaka

The Office Action (1) rejects claims 101-104 and 123 under the doctrine of non-statutory obviousness-type double patenting over claims 1-3 and 7 of U.S. Patent No. 6,755,983 to Yudasaka; and (2) rejects claims 105 and 107-112 under the doctrine of non-statutory obviousness-type double patenting over Yudasaka, in view of Roitman, Kaneko, Ohno, and further in view of Ra. Applicants respectfully traverse the rejections.

The rejections are moot in view of the Terminal Disclaimer submitted herewith. Applicants request withdrawal of the rejections.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:JHB/axl

Attachments:

Declaration Under 37 C.F.R. §1.132
Amended Abstract
Clean Substitute Specification
Marked-Up Substitute Specification
Terminal Disclaimer

Date: April 23, 2008

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